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Groupe d'États contre la corruption

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FOURTH EVALUATION ROUND

Corruption prevention in respect of members of
parliament, judges and prosecutors

SECOND INTERIM COMPLIANCE REPORT

DENMARK

Adopted by GRECO at its 88th Plenary meeting
(Strasbourg, 20-22 September 2021)

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I. INTRODUCTION

1. This Second Interim Compliance Report assesses the measures taken by the authorities of Denmark to implement the recommendations issued in the Fourth Round Evaluation Report on Denmark (see paragraph 2). GRECO's Fourth Evaluation Round deals with "Corruption prevention in respect of members of parliament, judges and prosecutors".
2. The Fourth Round Evaluation Report on Denmark was adopted at GRECO's 63rd Plenary meeting (28 March 2014) and made public on 16 April 2014, following authorisation by Denmark ([Greco Eval IV Rep \(2013\) 6E](#)). GRECO addressed in total six recommendations to Denmark.
3. The [Fourth Round Compliance Report](#) was adopted by GRECO at its 71st Plenary meeting (18 March 2016) and made public on 15 April 2016, following the authorisation by the Danish authorities.
4. The [Second Compliance Report](#) was adopted by GRECO at its 80th Plenary meeting (22 June 2018) and made public on 12 September 2018, following the authorisation by the Danish authorities. GRECO concluded in this Report that the low level of compliance was "globally unsatisfactory" in the meaning of Rule 31, paragraph 8.3 of its Rules of Procedure. GRECO therefore decided to apply Rule 32 concerning members not found to be compliant with the recommendations contained in the mutual evaluation report.
5. The [Interim Compliance Report](#) was adopted by GRECO at its 84th Plenary meeting (6 December 2019) and made public on 5 February 2020, following the authorisation by the Danish authorities. In this report, GRECO noted that Denmark had fully complied with the two recommendations concerning "*Corruption prevention in respect of judges and prosecutors*", while the very low level of compliance with the recommendations concerning "Corruption prevention in respect of members of parliament" remained "globally unsatisfactory" in the meaning of Rule 31, paragraph 8.3 of its Rules of Procedure. GRECO therefore decided to continue to apply Rule 32 concerning members found not to be in compliance with the recommendations contained in the mutual evaluation report and asked the Head of the Danish delegation to provide a report on the progress made by 31 December 2020, a deadline that was exceptionally extended to 31 March 2021.
6. On 23 March 2021, the authorities of Denmark submitted a Situation Report on further measures taken to implement the pending recommendations. This information served as a basis for this Second Interim Compliance Report.
7. GRECO selected the United Kingdom to appoint a Rapporteur for the compliance procedure (in respect of "*Corruption prevention in respect of members of parliament*"). The Rapporteur appointed was Ms Fariha KHAN. She was assisted by GRECO's Secretariat in drawing up the Second Interim Compliance Report.

II. ANALYSIS

Corruption prevention in respect of members of parliament

8. It is recalled that GRECO addressed four recommendations to Denmark in its Evaluation Report in respect of members of parliament. In the Interim Compliance report, recommendations i, iii and iv had only been partly implemented and recommendation ii had not been implemented. Compliance with these recommendations is dealt with below.

Recommendation i.

9. *GRECO recommended (i) that a code of conduct for members of parliament – including, inter alia, guidance on the prevention of conflicts of interest, on questions concerning gifts and other advantages and on how to deal with third parties seeking to obtain undue influence on MPs’ work – be adopted and made easily accessible to the public; and (ii) that it be complemented by practical measures for its implementation, such as dedicated training or counselling.*
10. It is recalled that this recommendation was partly implemented in the Compliance Report. GRECO noted that the outgoing Speaker had, in 2014, addressed issues highlighted in the recommendation in the form of a letter to all MPs, in order to draw their attention to ethical conduct and to the responsibility for upholding public trust in Parliament. While falling short of the recommendation, GRECO acknowledged that principles by which all MPs should abide were mentioned in the letter of the Speaker as an initial measure, it was not considered a code of conduct, nor were any other measures such as training and counselling in place.
11. In the Second Compliance Report the authorities maintained their position that a letter such as the one that was sent by the former Speaker on behalf of the former Presidium of the Danish Parliament, ahead of the 2015 elections, was an appropriate format for such a document in the context of the political system of Denmark. The then Presidium of Parliament would therefore consider ahead of the next parliamentary elections, whether a similar letter to members elected at that time could advantageously be accompanied by examples without detracting from the overall spirit of such a letter. The authorities added that they intended to initiate a discussion on the content of a similar letter in the Standing Orders Committee (which includes representatives of all parties and all party group chairpersons) as well as within the Presidium itself and would ensure that any similar letter to members elected in the next election were to be made accessible to the public. It was also stated that better use of party group chairpersons should be made for counselling reasons.
12. In the Second Compliance Report, GRECO welcomed that in the future such a letter was to be based on a more inclusive and broader debate in Parliament, in the Standing Orders Committee, where all political groups are represented, as well as in the Presidium itself. GRECO found that the letter by the former Speaker, referred to in the Compliance Report, was a good initiative, but it considered it necessary that such a document obtains recognition and authority over time, regardless of elections. While the first part remained partly implemented (the letter), nothing new had been reported in respect of the second part of the recommendation and it remained partly implemented.
13. In the Interim Compliance Report, the authorities reported that the former Speaker of the Danish Parliament had sent a letter addressed to elected members of Parliament shortly after the elections on 5 June 2019. The content of the letter was similar to the one sent by her predecessor at the time of the elections in 2015. GRECO reiterated that such a letter could not be considered a code of ethics and noted that nothing concrete had been reported in respect of the second part of the recommendation.
14. The Danish authorities do not report anything new in respect of this recommendation.
15. GRECO concludes that recommendation i remains partly implemented.

Recommendation ii.

16. *GRECO recommended that a requirement of ad hoc disclosure be introduced when a conflict between the private interests of individual members of parliament may emerge in relation to a matter under consideration in parliamentary proceedings.*
17. It is recalled that this recommendation was not implemented in the previous compliance reports. The Danish authorities were of the opinion that such a requirement could at the most take the form of an unenforceable encouragement to Members of Parliament to declare any private interests in particular decisions and to consider not participating in a decision if doing so would appear improper. The authorities could not see how, within the limits of the Danish Constitution, a requirement of ad hoc disclosure could be enforced in any way. GRECO welcomed the encouragement given in the Speaker's letter to MPs to either abstain or declare any interest that they or their relatives or associates held, which it thought might prevent them from acting in a given matter under consideration by parliament. However, the letter did not bring any change to the voluntary regime that was analysed in the Evaluation Report.
18. The authorities of Denmark do not report anything new in respect of this recommendation.
19. GRECO concludes that recommendation ii remains not implemented.

Recommendation iii.

20. *GRECO recommended (i) that regular public registration of occupations and financial interests by members of parliament be made mandatory; (ii) that the existing system be further developed, in particular, by including quantitative data on the occupations and financial interests of members of parliament as well as data on significant liabilities; and (iii) that consideration be given to widening the scope of the declarations to also include information on spouses and dependent family members (it being understood that such information would not necessarily need to be made public).*
21. GRECO recalls that this recommendation was partly implemented in the previous compliance reports. The first part of the recommendation had been complied with, as the registration of occupations and financial interests had been made compulsory for MPs. The second part of the recommendation was not implemented as the registration system had not been further developed. Also the third part of the recommendation was not implemented as the authorities had not provided sufficient information suggesting that this part had been duly considered.
22. The authorities do not report anything new in respect of this recommendation.
23. GRECO concludes that recommendation iii remains partly implemented.

Recommendation iv.

24. *GRECO recommended that appropriate measures be taken to ensure supervision and enforcement of i) the rules on registration of the occupations and financial interests by members of parliament and ii) standards of conduct applicable to them, where necessary.*
25. It is recalled that the current recommendation was partly implemented in the previous compliance reports. The first part had been implemented satisfactorily through the publication on the Parliament's website of the list of MPs that had not

registered (regularly updated by the Legal Services Office). This “naming and shaming” measure appeared pertinent, given that it was subject to a high degree of transparency. However, the second part of the recommendation was not implemented; the Presidium of Parliament had not seen fit to take any initiatives towards a formal mechanism with regard to compliance with the principles of ethics contained in the letter of the Speaker (as referred to above).

26. The authorities do not report anything new in respect of this recommendation.
27. GRECO concludes that recommendation iv remains partly implemented.

III. CONCLUSIONS

28. **In view of the foregoing, GRECO concludes that there has been no progress in Denmark’s level of implementation of the four recommendations concerning members of parliament contained in the Fourth Round Evaluation Report. Out of six recommendations in total, only two have been implemented satisfactorily** (concerning judges and prosecutors, as noted in previous reports), three remain only partly implemented and one not implemented (all pending recommendations in respect of members of parliament).
29. More specifically, recommendations i, iii and iv remain partly implemented and recommendation ii remains not implemented.
30. GRECO regrets that no single new measure has been reported by the Danish Parliament to implement the recommendations concerning members of parliament (MPs). Instead of elaborating ethical standards in the form of a code of conduct the Parliament keeps referring to letters sent in 2015 and 2019 by former Speakers to newly elected members to draw their attention to the importance of ethical conduct, but without any reference to established standards. In the absence of a code, no practical implementation measures, such as training and counselling, have been taken and no supervision system is in place. Moreover, GRECO’s call for the public registration system of occupations and financial interests of MPs to be developed further has still not been heeded. This overall lack of progress regarding the recommendations concerning MPs, more than seven years after the adoption of the Evaluation Report, is disappointing, and much in contrast to other GRECO member states.
31. In view of the above, GRECO cannot but conclude that the very low level of compliance with the recommendations, remains “globally unsatisfactory” in the meaning of Rule 31, paragraph 8.3 of its Rules of Procedure.
32. Pursuant to Rule 32, paragraph 2(i) of the Rules of Procedure, GRECO asks the Head of the Danish delegation to provide a report on the progress made in implementing recommendations i-iv as soon as possible, however – at the latest – by 30 September 2022.
33. In addition, in accordance with Rule 32, paragraph 2(ii) (b), GRECO invites the President of the Statutory Committee to send a letter to the Permanent Representative of Denmark to the Council of Europe drawing his attention to non-compliance with the relevant recommendations and the need to take resolute steps to achieve tangible progress as soon as possible.
34. Finally, GRECO invites the authorities of Denmark to authorise, as soon as possible, the publication of the report, to translate the report into the national language and to make this translation public.